

Notice of Allowability

Application No.

10/666,190

Examiner

Sandra M. Nolan-Rayford

Applicant(s)

DENT, PATRICK H.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 20 January 2005 submission(s).
2. ☒ The allowed claim(s) is/are 1,3-12 and 14-18.
3. ☒ The drawings filed on 09 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050426.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

S. M. Nolan-Rayford
SANDRA NOLAN RAYFORD
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel Cillo (724/337.2778) on 26 April 2005. The agreements reached are reflected in the following amendments.

In the Claims

Claim 1, line 4 and Claim 18, line 6, after "interior", the phrase "for holding the items" has been deleted.

Remarks

The amendment removes, for each claim, the basis for possible objection/rejection.

* * *

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:
4. Claims 1, 3-12, and 14-18 are allowed.
5. The base claims, claims 1, 12 and 18, can be summarized as follows:

Claim 1 covers a multilayer pouch for pharmaceutical use comprising:

-first and second sides engaged along a plurality of their edges to define a hermetically sealed interior, each of the sides comprising:

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- an outermost oriented, high density polyethylene (PE) polymer film coated with clay,
- a lower density polymer film secured to the interior face of the high density PE film,
- a metal foil layer secured to the interior face of the lower density film, and
- a sealant layer secured to the interior face of the foil layer,

wherein the pouch exhibits tear resistance.

Claim 12 covers a multilayer pouch capable of hold 1+ items comprising:

- first and second sheets of material engaged along a plurality of their edges to define a hermetically sealed interior, each of the sheets comprising:
 - a first oriented, high density PE polymer film coated with clay,
 - a second polymer film secured to the interior face of the HDPE film,
 - a foil secured to the interior face of the lower density film, and
 - a sealant secured to the interior face of the foil layer,

wherein the pouch exhibits tear resistance.

Claim 18 covers a multilayer pouch for pharmaceutical use comprising:

- first and second sides, each having a rectangular four-sided shape sealed along extended and interconnected edges to define a hermetically sealed interior, each of the sheets comprising:
 - a first outer oriented, high density PE polymer film having a first density and coated with clay,
 - a second polymer film, having a second density less than that of the first high density PE film, and secured to the interior face of the high density PE film and including one or more of PE laminating resins and PE/acid copolymer resins,
 - an aluminum foil layer secured to the interior face of the lower density film, and
 - a sealant secured to the interior face of the aluminum foil layer,

wherein the pouch exhibits tear resistance.

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6. The examiner has found no applicable prior art that teaches or suggests tear-resistant pouches having all of the features of claims 1, 12 and 18, as summarized here.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Objections/Rejections Withdrawn

8. The claim objection and the 35 USC 112 rejection stated in sections 3 and 5 of the 12 November 2004 office action ("the last office action"), is withdrawn in view of the amendments to the claims in the response dated 20 January 2005 ("the last response").


Citation as of Interest

10. Knoll et al (US 6,841,211) teaches clay-containing nanocomposites.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET. If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.


S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

10666190(20050425)

**SANDRA NOLAN RAYFORD
PRIMARY EXAMINER**